

DOCKET NO: 243518US-8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

KOJI OMAE, ET AL. : EXAMINER: VO, N. T.

SERIAL NO.: 10/677,386 :

FILED: OCTOBER 3, 2003 : GROUP ART UNIT: 2618

FOR: MOBILE COMMUNICATION  
SYSTEM, MOBILE TERMINAL,  
TRANSFER DEVICE, AND MOBILE  
COMMUNICATION METHOD

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction requirement of February 7, 2007, Applicants elect, with traverse, the invention of Group III, Claims 12-14, and 16.

Applicants traverse the outstanding Restriction requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, a Restriction is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding Restriction requirement has not established that examining each of the currently-pending claims together would result in an undue burden.


M.P.E.P. § 803 specifically states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The outstanding Restriction requirement has not established that each of the claims could be examined without an undue burden, and thus each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

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